



**Conference of the States Parties
to the United Nations
Convention against Corruption**

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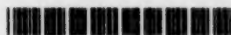
Draft report**Addendum**

**IV. Performance of the mechanism for the Review of
Implementation of the United Nations Convention against
Corruption**

1. The Conference, in its decision 5/1, decided that the Implementation Review Group should begin promptly to collect, with the support of the secretariat, and discuss relevant information to facilitate the assessment of performance of the review mechanism in accordance with paragraph 48 of the terms of reference, following the completion of the first review cycle. It further had decided that the Group should include in its future sessions an agenda item allowing for the discussion of such information.

2. In order to facilitate the discussion under this agenda item, a note by the secretariat on assessment of the performance of the Implementation Review Mechanism (CAC/COSP/IRG/2015/3) was presented. This note built on discussions held by the Group at its fifth and resumed fifth sessions on matters related to the performance of the Mechanism and documentation provided by States in response to calls for information to be provided in implementation of decision 5/1 of the Conference.

3. Contributions received from States on the assessment of the performance of the Mechanism were contained in conference room paper CAC/COSP/IRG/2015/CRP.5. Such comments focused, inter alia, on suggestions for the follow-up to the first cycle; funding; timelines for country reviews and the effectiveness of the review process; as well as the launch and the scope of the second review cycle. In the introduction of the agenda item, reference was made to the impact of the Mechanism at the national level and several contributions referred to the Mechanism as a well-functioning tool for the review of implementation of the



Convention. The preparation of national action plans and the increased domestic coordination as result of the review process was outlined.

4. Most speakers concurred that the Conference could launch the second cycle at its Sixth Session, with the drawing of lots being carried out at the subsequent session of the Group, in June 2016. In addition, the possibility of the Conference reconsidering the architecture of its subsidiary bodies in order to avoid any overlaps of issues discussed by the Group and the Working Groups was pointed out. With regard to the substantive outcome of the reviews and the analytical work done on implementation of the Convention, a potential shift in focus of the Mechanism towards results might be envisaged. In this respect, States would need to be able to collect, collate, process and evaluate information on implementation and technical assistance would need to be available in supporting the achievement of such results.

5. The revised comprehensive self-assessment checklist for the review of Chapters II (Preventive measures) and V (Asset recovery) of the Convention was made available to the Group, in all official languages of the United Nations, for discussion (document CAC/COSP/IRG/2015/CRP.1). The Secretariat provided an overview of the developments and consultations regarding the revised comprehensive self-assessment checklist. Detailed explanations on the proposed flow of questions and the introduction of additional features, such as guidance boxes, were provided. It was emphasized that the guidance boxes were merely suggestions designed to assist focal points in providing focused and relevant information on implementation. In addition, a comparison was made of the length of the revised document with the previous version, highlighting the streamlining effort made, while preserving the methodology as well as the depth and quality of the self-assessment checklist.

6. Many speakers highlighted the importance of the Mechanism in the fight against corruption, and expressed their confidence in the Mechanism as a well-functioning tool. In addition, the important role the Mechanism has played in fostering international cooperation in the implementation of the Convention was underscored. A number of speakers referred to the guiding principles and characteristics of the Mechanism and emphasized the need for those to be preserved.

7. Several speakers shared their experience of the review process, both as reviewing States and States parties under review. Several speakers underscored the importance of direct dialogue to foster better understanding of the implementation of the Convention as well as to exchange experiences. The difficulties in complying with the indicative timelines, in particular for the completion of the self-assessment checklist, were noted and some speakers reaffirmed the need for flexibility in this regard. The complementary nature of other regional and sectoral anti-corruption review mechanisms was also mentioned. Several speakers welcomed steps towards transparency in the review process and informed the Group that their country review reports had been made publicly available, encouraging others to take similar steps.

8. Several speakers referred to the guiding principle of inclusivity of the Mechanism and welcomed the involvement of stakeholders, such as non-governmental organizations, the private sector and academia in national country review processes that had been the overall trend in direct dialogue. Some of them also felt that the participation of non-governmental organizations as observers in the Working Groups and the Implementation Review Group would enhance the work of

the Mechanism. In this context, it was suggested to consider opening the standing agenda item on technical assistance to NGO participation. Several other speakers, however, stressed the intergovernmental nature of the Mechanism and recalled the delicate compromise reached at the third and fourth sessions of the Conference.

9. Several speakers welcomed the ongoing work of the secretariat on preparing a draft analytical study on the state of implementation of Chapters III (Criminalization and law enforcement) and IV (International Cooperation) of the Convention, to be presented to the Conference at its sixth session. Several speakers also referred to the issue of consistency across reviews, noting that the Mechanism was an ongoing learning exercise for all concerned. The diversity of legal systems and approaches to implementation was to be taken into account, and the secretariat played a role in supporting consistency of the observations as well as the interpretation of the provisions of the Convention by States parties. Some suggestions were made to improve substantive consistency, such as an overview of common observations per article.

10. Many speakers urged the Group to seize the opportunity of the first cycle drawing to a close and highlighted the importance of follow-up to the observations made in the country review reports. In this regard, several speakers expressed their preference for a structured approach. Suggestions were made concerning the format that could be used for such follow-up, including scheduled oral reports to the Group under a possible stand-alone agenda item as well as short written updates. National action plans were noted as a useful tool to implement the observations emerging from the country reviews.

11. One speaker noted that consideration of such follow-up on implementation of observations was at the core of assessing effectiveness of the Convention's implementation, and reiterated the need for technical assistance to be provided upon request in implementing the observations.

12. Speakers concurred that the mandate of the current subsidiary bodies of the Conference might be reconsidered, when the second cycle becomes operational in order to better align substantive discussions with those that would be taking place in the Implementation Review Group. In order to avoid overlap, proposals included refocusing the existing Working Groups on issues related to criminalization and international cooperation in order to follow-up on the recommendations made in the first cycle, and folding the thematic discussions on Chapters II and V within the work of the Implementation Review Group. Another proposal aimed at maintaining the working groups on asset recovery and on prevention focused on the substantive discussion of the outcomes of the second cycle reviews, while the Implementation Review Group would focus on the general review of progress as well as issues related to process. One more proposal was to maintain the working groups on prevention and asset recovery and establish additional working groups to consider follow-up to the implementation of the chapters under review in the first cycle.

13. Several speakers welcomed the revised version of the comprehensive self-assessment checklist made available to the Group. Some speakers continued to voice concern about the length of the revised comprehensive self-assessment checklist, while others stated their preference for preserving the self-assessment checklist used during the first cycle of the Mechanism. Some speakers expressed their readiness to recommend that the Conference endorse the revised

comprehensive self-assessment checklist, while others indicated that they were not yet in a position to do so.

14. Many speakers indicated that the scope of the second cycle should remain as decided by the Conference in Resolution 3/1 and include both Chapter II (Preventive measures) and Chapter V (Asset recovery) of the Convention, while some indicated their preference for focusing on one of these chapters or on specific selected provisions of the Convention with the remaining provisions to be reviewed in a subsequent cycle.

15. With regard to the second cycle of the Mechanism, many speakers reiterated their readiness to see it launched at the sixth session of the Conference, and to initiate the reviews for the second cycle by the drawing of lots at the seventh session of the Group to be held in June 2016. The issue of completion of the first cycle was referred to, with some States noting that, due to the ongoing ratification and accession process, those new States would have to undergo first cycle reviews, and their second cycle reviews should be deferred to the last year of that cycle.

16. The case of those States whose reviews were likely not be completed latest by the seventh session of the Group, including States with which difficulties in communication had arisen, would need to be considered by the Conference. It was suggested that these States could be invited to provide a voluntary action plan for the finalization of their review and one speaker felt that those States would have no objection to their fellow States proceeding with reviews of the second cycle. In determining action to be taken, both the non-punitive nature of the Mechanism and the need for an effective review process were recalled. It was also noted that practical measures to improve the functioning of the Mechanism could be adopted, such as the Bureau or Extended Bureau conducting the drawing of lots.

17. In order to advance in the consideration of these issues, several speakers welcomed the proposal that informal consultations be convened under the auspices of the Bureau in the period leading up to the sixth session of the Conference. Speakers recalled that the Conference had the sole authority for any resolutions or decisions to be adopted. In this context, some speakers emphasized the importance of clearly defining the scope of such consultations and states that the terms of reference of the Mechanism should not be re-negotiated.

18. [...]
